

AN

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Attn: Application Division
Commissioner of Patents and Trademarks,
Washington, D.C. 20231, on Dec. 13, 1993

PATENT

Attorney Docket No. 14137-5-5



By Joe Dallara

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JAMES C. PAULSON, ET AL.

Serial No.: 08/063,181

Filed: May 14, 1993

For: INTERCELLULAR ADHESION
MEDIATORS

)
)
) Examiner: Unassigned

)
) Art Unit: Unassigned

)
) RESPONSE TO DECISION ON
) PETITION

RECEIVED

DEC 22 1993

APPLICATION DIVISION


Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Decision on Petition dated November 18, 1993, (copy enclosed), advising that an Oath or Declaration is needed in order to avoid abandonment of the above-noted application, applicants wish to advise that the requested Declaration was previously sent to the U.S. Patent Office on September 13, 1993. Copies of the Transmittal Letter, Combined Declaration and Power of Attorney, and stamped return postcard are provided herewith as proof of submission.

Applicants believe that all outstanding requirements have been met for this application and request that this case proceed through the normal course of prosecution.

Respectfully submitted,


Kevin L. Bastian
Reg. No. 34,774

TOWNSEND and TOWNSEND KHOURIE and CREW
One Market Plaza
Steuart Street Tower, 20th Floor
San Francisco, California 94105

(415) 543-9600

KLB:jhd

TO THE U.S. PATENT OFFICE

Please stamp the date of receipt of the following document, and return this card to us.

Title of Document Attorney, Power of Atty. by Assignment/ Certificate and copy of Assignment, Verified Statement Claiming Small Entity Status, Petition to Reconsider (1-mth) and copy of Notice of Miss. Parts and Not. of Incomplete In.

Date Due..... Sept. 15, 1993.....

Serial No. 08/063,181

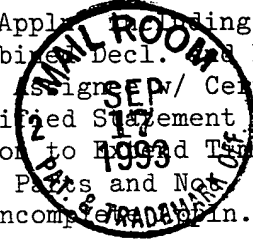
Date Mailed Sept. 13, 1993.....

File No. 14137-5-5

Attorney KLB/jhd

In re Appln. of Paulson, et al. for INTERCELLULAR ADHESION MEDIATORS

Submission of Missing Parts to Applicant including signed Combined Decl. and Power of Attorney/ Certificate and copy of Assignment, Verified Statement Claiming Small Entity Status, Petition to Reconsider (1-mth) and copy of Notice of Miss. Parts and Not. of Incomplete In.



By

Jo Ann Dallera

Attorney Docket No. 14137-5-5

In re application of:

JAMES C. PAULSON, ET AL.

Examiner: Unassigned

Serial No.: 08/063,181

Art Unit: Unassigned

Filed: May 14, 1993

TRANSMITTAL LETTER

**For: INTERCELLULAR ADHESION
MEDIATORS**

Attn: Application Processing Division
Special Processing and Correspondence Branch
Commissioner of Patents and Trademarks
Washington, D.C. 20231


Sir:

Pursuant to the "Notice to File Missing Parts of Application No Filing Date" dated June 15, 1993, and further to applicants' Petition and Preliminary Amendment sent to the U.S. PTO on July 21, 1993, in response to the Notice of Incomplete Application for which the filing date for this application of May 14, 1993, is sought, enclosed are the following to be made of record in the above-identified application:

- 1) Executed Combined Declaration and Power of Attorney;
- 2) Power of Attorney by Assignee and Certificate under 37 C.F.R. § 3.73(b) with copy of Assignment;
- 3) Verified Statement Claiming Small Entity Status;
- 4) Petition to Extend Time (1-month); and
- 5) Copy of Notice of Missing Parts and copy of Notice of Incomplete Application

Please charge the required small entity surcharge fee of \$65.00 to Deposit Account No. 20-1430. The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment to Deposit Account No. 20-1430 for this paper and during the prosecution of this application. This Transmittal Letter is submitted in triplicate.

TOWNSEND and TOWNSEND KHOURIE and CREW
One Market Plaza
Steuart Street Tower, 20th Floor
San Francisco, California 94105
(415) 543-9600

Respectfully submitted,

 Kevin L. Bastian
 Reg. No. 34,774



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

14137-5-5
KLB

NOV 18 1993

1993 NOV 22 AM 8:28

RECEIVED

Townsend & Townsend
Khourie & Crew
Steuart Street Tower
One Market Plaza
San Francisco, CA 94105

Response Due

12-18-93

In re Application of
James C. Paulson et al.
Serial No. 08/063,181
Filed: May 14, 1993
Attorney Docket No. 14137-5-5

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition filed July 26, 1993, requesting that the above-identified application be accorded a filing date of May 14, 1993.

The application was deposited on May 14, 1993. However, on June 15, 1993, Application Division mailed a notice requiring drawings of Figures 4A, 4B, 5A and 5B described in the specification and stating that the filing date would be the date of receipt of the omitted drawings. An oath or declaration in compliance with 37 CFR 1.63 and the surcharge set forth in 37 CFR 1.16(e), if necessary, were also required.

In response, the present petition was filed. Petitioners request that the application be accorded a filing date of May 14, 1993, the date the application was deposited in the Patent and Trademark Office without drawings labelled Figure 4A, 4B, 5A or 5B. Petitioners explain that the figures were not missing. Instead, the figures were incorrectly labeled. The present request is accompanied by a proposed amendment to the drawings wherein the drawings are corrected to show the labels for Figures 4A, 4B, 5A and 5B.

Since it is now clear that Figures 4A, 4B, 5A and 5B were present on May 14, 1993, albeit mislabeled, the application may be accorded that date as the filing date.

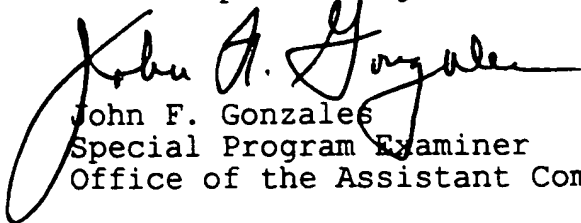
The petition is granted.

The "Notice" mailed June 15, 1993, is hereby vacated.

However, the \$130.00 petition fee will not be refunded, since a petition was necessary to correct applicants' filing error.

Applicants are given ONE MONTH from the date of this decision to file an oath or declaration in compliance with 37 CFR 1.63 and to pay the \$130.00 surcharge in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136(a). The oath or declaration should identify the specification to which it is directed by reference to the above-identified serial number and filing date. The response should be directed to the attention of Application Division.

The application is being returned to Application Division to await receipt of the oath or declaration and surcharge and for further processing with a filing date of May 14, 1993.



John F. Gonzales

Special Program Examiner

Office of the Assistant Commissioner for Patents

JFG